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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Daryl D. Starr et al.

Ser. No: 09/675,700

Filing Date: September 29, 2000

Examiner: Barbara N. Burgess

Atty. Docket No: ALA-010B

GAU: 2157

For: INTELLIGENT NETWORK STORAGE INTERFACE DEVICE

July 30, 2008

MS Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Reinstatement of Appeal

As noted in MPEP 1208.02, when the Examiner has reopened prosecution to enter a new ground of rejection after appellant's brief or reply brief has been filed, appellant may:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

The Examiner issued a Final Rejection on September 20, 2007 in this case. This Final Rejection followed five non-final rejections that were traversed by appellants. A Notice of Appeal was mailed by appellants on December 12, 2007, and an Appeal Brief was filed January 31, 2008. The Examiner reopened prosecution on May 2, 2008, with a new Office Action that is very similar to the Final Rejection.

Especially under these circumstances, appellants believe that it is appropriate to reinstate the Appeal. This is a Request for Reinstatement of the Appeal in the present case, and is accompanied by a Supplemental Appeal Brief.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with sufficient postage in the US Postal Service as first class mail in an envelope addressed to: MS Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 30, 2008.

Date: 7-30-08



Mark Lauer